

credit was awarded for a Bachelor's degree and up to ten years of experience conducting field investigations, analyzing information, and preparing reports in a law enforcement, criminal defense, or social service agency. It is noted that no credit was given for experience gained more than ten years prior to the examination closing date, in this case, April 2007, or for membership in associations and committees.

On her application, Voorhees indicated possession of a Bachelor's degree, and she listed one position on her application: provisional Investigator 2 Public Defender from March 2017 to March 2017. Credit can only be awarded when an applicant meets full open-competitive requirements, even if a promotional announcement is open to titles. As the appellant was currently serving in the title Investigator 1 Public Defender but did not indicate three years of qualifying experience, her UE score was 70.000.

On appeal, Voorhees states that she believes that there are two candidates who are not eligible. She argues that she should have received a higher score based on her education and 17 years of experience, as well as membership in associations and committees. In a supplement to her appeal, she argues that she attempted to complete the application on Friday, March 17, 2017 but the system was freezing up. On Sunday, March 19, 2017 she made a second attempt, but the system was freezing up again, but as she received a confirmation, she believed the application to be complete and her documents to be uploaded.

CONCLUSION

N.J.A.C. 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date for filing applications.

The on-line application system provides clear instructions to candidates. The application states, "You may be declared ineligible or you may not receive proper credit for scoring purposes if you do not properly complete your application. If you held different positions with the same employer, list each position separately. Make sure you give full dates of employment (month/year), indicate whether the job was full or part time, and the number of hours worked per week. If you are currently employed in this position, enter the current month and year in the Employed To section. Since your application may be your only test paper, be sure it is complete and accurate. Failure to complete your application properly may cause you to be declared ineligible, lower your score, or possibly cause you to fail." This information is repeated on page 18 of the New Jersey Civil Service Commission Announcement and On-Line Application User Guide. As such, the appellant was on notice of the possibility that this could be an unassembled examination.

On its website in the section entitled Job Announcements and Testing Information, there are links to the Online Application System User Guide, which is available to all candidates. On page i, this guidance instructs candidates to carefully review the application to ensure that it is complete and accurate before submitting. It also states that applications must be completed in detail, and your score may be based on a comparison of your background with the job requirements. Failure to complete your application properly may cause you to be declared ineligible or may lower your score if your application is your test paper. Further on in the guide, there are more instructions on how to properly complete an application, and more warnings about completing it in detail. Additionally, when candidates submit their applications, they certify that it is complete and accurate.

Also, on the announcement, item 2 at the bottom instructs candidates to complete their application in detail and repeats the above. It also includes a phone number to call if you need support or assistance in completing your application. Further, the application itself repeats this information. Item 7 at the bottom of the announcement states:

If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so **PLEASE FILE EARLY.**

Additionally, the Job Announcements and Testing Information section on the Commission's website contains the following:

Browser Compatibility Statement

We recognize that our users may have various Internet Browsers and Operating Systems.

We like our visitors to have the best possible experience on our website when using our on-line application.

However, we do recognize that it is impossible to develop applications that work identically, efficiently and effectively on all web browsers.

The OAS website supports Microsoft® Internet Explorer 10+.

Any problems encountered by the appellant were likely the result of her use of an older web browser. The appellant could have contacted technical support on Friday, March 17, 2017, or on Monday or Tuesday March 20 and 21, 2017 for help in solving this or any other problem. She did not do so, and she did not supplement

her application with additional documents prior to the closing date, Tuesday, March 21, 2017.

On appeal, Voorhees provides a copy of her resume listing more positions than were listed on the application. Since the application for the subject announcement is the test paper, it is no more subject to later amendment than a multiple choice test answer sheet. *See In the Matter of Alex Westner* (Commissioner of Personnel, decided August 11, 1997). Voorhees listed one position on the application, indicating one month of provisional experience. While she was actually a provisional in the subject title from March 2016 forward, that was not what she submitted on her application. She cannot be credited with additional experience based on information submitted after the closing date.

Additionally, although she indicated possession of a Bachelor's degree, since her application did not evidence that she met the open-competitive requirements for the title, *i.e.*, a Bachelor's degree and three years of applicable experience, Agency Services correctly did not award her eight points for her Bachelor's degree. In accordance with longstanding policy, education and experience are evaluated for additional credits above the base score of 70.000 when a candidate is admitted to the examination based solely on permanent service in a title to which the examination is open, but has not satisfied the complete open competitive requirements (Flat 70 Rule).¹ *See In the Matter of Linda Berezny, et al.* (MSB, decided May 22, 2001) (It was proper to score candidates with the base passing score of 70.000 because they were admitted to the examination based on service in titles to which the examination was open, but they did not possess the required supervisory and professional experience). Essentially, this methodology provides an opportunity for applicants serving in titles listed on the announcement to compete for a promotional opportunity even though they may not necessarily meet the open competitive requirements to establish eligibility. Thus, since eligibility for all examinations is premised on the applicant satisfying the minimum open competitive requirements specified for particular title, the "Flat 70 Rule" provides those applicants who do *not* satisfy the minimum requirements for the title, but who are admitted to the test because of service in an in-series title or a title in a specified class code, an opportunity for promotional movement. *See In the Matter of Carinne Rivers* (CSC, decided April 15, 2009). No error in scoring is evident in the record and the appellant's application will not be amended after the closing date to include the changes she submitted on appeal.

As to the other candidates, the unit scope for this examination was Civil Investigation (Q300). A review of agency records indicates that the two individuals named in the appeal are employed in this unit scope, and both are in the qualifying title. Both of these candidates are eligible.

¹ This practice is explained in the "Candidate Review Form, Unassembled Examination Scoring System" that was available to all candidates who reviewed their test papers.

A thorough review of the record indicates that the decision of the Division of Agency Services is amply supported by the record, and appellant provides no basis to disturb that decision. The appellant has failed to meet her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 4TH DAY OF APRIL, 2018



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